

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Implementation of the Commercial Spectrum)	
Enhancement Act and Modernization of the)	WT Docket No. 05-211
Commission’s Competitive Bidding Rules and)	
Procedures)	

ORDER

Adopted: August 10, 2006

Released: August 10, 2006

By the Acting Chief, Wireless Telecommunications Bureau:

1. This Order extends the deadlines for filing comments and reply comments in response to the *Second Further Notice of Proposed Rule Making* in this proceeding until September 20, 2006 and October 20, 2006, to provide small businesses whose limited resources have been devoted to preparing for Auction No. 66 a defined additional amount of time to file comments.¹ The *Second Further Notice* seeks public comment on a variety of measures to ensure that the recipients of designated entity benefits are limited to those entities and for those purposes Congress intended.² Interested parties previously had until August 21, 2006, for filing comments and September 19, 2006, for filing reply comments.³

2. On July 25, 2006, Council Tree Communications (“Council Tree”) filed a motion seeking an extension of time for submitting comments and reply comments in response to the *Second Further Notice*.⁴ In its motion, Council Tree requests that the Commission extend the deadline for the submission of comments to a date at least one month after the yet-to-be determined deadline for down payments on winning bids in Auction No. 66.⁵ Council Tree asserts that smaller businesses “may lack the resources meaningfully to address the important matters raised in the *Second [Further Notice]* while simultaneously bidding in the auction,” which they note starts on August 9, eight business days before the August 21 deadline for submitting comments.⁶ Council Tree also asserts that parties may be unwilling to submit comments by the current deadline due to the Commission’s anti-collusion rules and argues that the

¹ Implementation of the Commercial Spectrum Enhancement Act and Modernization of the Commission’s Competitive Bidding Rules and Procedures, WT Docket No. 05-211, *Second Report and Order and Second Further Notice of Proposed Rule Making*, 21 FCC Rcd 4753 (2006) (“*Second Further Notice*”).

² See, generally, *Second Further Notice*.

³ See 71 Fed. Reg. 35594 (June 21, 2006).

⁴ Motion filed by Council Tree Communications in WT Docket No. 05-211 on July 25, 2006 (Council Tree Motion). See also Letter submitted by the Organization for the Promotion and Advancement of Small Telecommunications Companies, the Rural Telecommunications Group, and the Blooston Rural Carriers (collectively, Joint Rural Carriers) in WT Docket No. 05-211 on July 27, 2006 (Joint Rural Carriers Letter) and Letter submitted by CTIA – The Wireless Association in WT Docket No. 05-211 on August 3, 2006 (both supporting an extension of the comment deadlines). To date, no oppositions have been filed.

⁵ Council Tree also requests that the Commission extend the deadline for the submission of reply comments to a date at least one month after the new deadline for the submission of comments.

⁶ Council Tree Motion at 3-4. The Joint Rural Carriers concur on this point, asserting that “many rural wireless carriers have expended their limited resources to participate in the auction [and] [t]hus, many of the carriers simply do not have the resources to file comments at this time.” Joint Rural Carriers Letter at 1.

Commission should postpone the schedule for submitting comments and reply comments in response to the *Second Further Notice* until after Auction No. 66 is over so that commenters can “take results of Auction [No.] 66 into account.”⁷

3. It is the general policy of the Commission that extensions of time shall not be routinely granted.⁸ Nevertheless, we find that in this instance a limited extension of time will facilitate the development of a complete record in response to the *Second Further Notice*. The *Second Further Notice* seeks public comment on how to ensure that the recipients of designated entity benefits are limited to those entities and for those purposes Congress intended.⁹ Thus, the comments provided by designated entities will be a vital part of the record. Designated entities include small businesses,¹⁰ some of whom have just finished preparing and filing applications to participate in Auction No. 66 and arranging financing for the necessary upfront payments. We believe that providing additional time will facilitate comments in response to the *Second Further Notice* by designated entities participating in Auction No. 66. We also find that providing limited additional time will not unduly delay resolution of the proceeding. Accordingly, we extend the deadlines for filing comments and reply comments in response to the *Second Further Notice* until September 20, 2006 and October 20, 2006, respectively.

4. Accordingly, IT IS ORDERED that, pursuant to sections 4(i) and 4(j) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i) and 154(j), and sections 0.131, 0.331, and 1.46 of the Commission's rules, 47 C.F.R. §§ 0.131, 0.331, and 1.46, the deadline for filing comments in response to the *Second Further Notice* is extended to September 20, 2006, and the deadline for filing reply comments is extended to October 20, 2006.

FEDERAL COMMUNICATIONS COMMISSION

Catherine W. Seidel
Acting Chief, Wireless Telecommunications Bureau

⁷ Council Tree Motion at 2-4.

⁸ 47 C.F.R. § 1.946(a).

⁹ See, generally, *Second Further Notice*.

¹⁰ See 47 C.F.R. § 1.2110(a).